

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 27, 2003

DIVISION ONE

B153054 People (Not for Publication)
v.
Eric Lamont Shepard

The judgment is reversed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B158845 People (Not for Publication)
v.
Hugo Guadarrama

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B157196 People (Not for Publication)
v.
Kenji Jackson

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

February 27, 2003 (Continued)

DIVISION ONE (Continued)

B152473 People (Not for Publication)
v.
John Lydon, et al.

The judgments are both modified to reflect stays of the sentences imposed on count 4 (the vehicle taking count) and, as modified, affirmed, and the cause is remanded to the trial court with directions to issue corrected abstracts of judgment and forward them to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B157516 Blau, et al. (Not for Publication)
v.
Catholic Healthcare West et al.

The order of dismissal is affirmed. The Medical Center is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B155506 Fernandez (Not for Publication)
v.
Aware Products, Inc.

The judgment is affirmed. Aware is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

February 27, 2003 (Continued)

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B152985 Papadakis, et al. (Not for Publication)
v.
Spellacy

The order is affirmed. Susan D. Spellacy, as trustee, is awarded her costs of appeal, payable by the trust.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B157879 People
v.
Miguel Rosales

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION TWO

B156979 People (Not for Publication)
v.
Valencia

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

February 27, 2003 (Continued)

DIVISION TWO (Continued)

B158768 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B155131 People (Not for Publication)
v.
Sanchez-Esquivel

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B157269 People (Not for Publication)
v.
Acuna

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B153534 Kleven (Not for Publication)
v.
Leonard

The judgment is reversed. Leonard shall recover costs on appeal.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

DIVISION TWO (Continued)

B157050 Falahati, et al. (Not for Publication)
 v.
 Savay, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B155233 Laday (Not for Publication)
 v.
 Los Angeles County Department of Children and Family Services

The judgment is affirmed. Laday is ordered to bear costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B158488 Los Angeles County, D.C.S.
 v.
 Angelica G., et al.

Filed order modifying opinion. Petition for rehearing is denied. It now appears that the opinion should be published. (Change in judgment)

DIVISION THREE

B160211 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Nichole M.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B138627 Sierra Club, etc., et al., (Not for Publication)
v.
California Coastal Commission
Soka University of America, et al.

The judgment denying the petition for writ of mandate is reversed and the matter is remanded to the trial court with directions to grant the petition for a peremptory writ of mandate (1) vacating Commission's approval of the coastal development permit; (2) enjoining all development activities on the property in question that might result in an adverse physical change until Commission, County and Soka fully comply with all applicable federal, state and local laws. The writ of supersedeas, heretofore ordered to remain in effect until the determination of the appeal shall be discharged upon issuance of the remittitur herein. Sierra Club shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B150922 Dromy International Investment Corp., et al. (Not for Publication)
v.
Channel Gateway, L.P., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B159751 People (Not for Publication)
v.
Dwyer

The judgment (order granting probation) is affirmed.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (Continued)

B154757 People (Not for Publication)
v.
Brozek

The judgment is modified by striking the Penal Code section 667.5, subdivision (b), enhancement based on the 1992 burglary conviction in case No. 4574208 and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B156279 People (Not for Publication)
v.
Luna

The judgment is modified by striking the \$200 fee imposed pursuant to Penal Code section 1203.097 and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment which omits any reference to such a fee.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B146086 People (Not for Publication)
v.
Arriaga et al.,

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B159313 Jeffrey Greenfield (Certified for Publication)

v.

Superior Court, Los Angeles County
(Billy Blanks, et al., r.p.i.)

The order to show cause having served its purpose, is heretofore discharged. Let a writ of mandate issue directing the trial court to vacate its order denying Greenfield's motion for summary adjudication as to real party in interest's, Billy Blanks, first cause of action, a violation of the Talent Agencies Act, and to enter instead an order granting the motion. Each party to bear its own costs.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B151466 People (Certified for Partial Publication)

v.

Bracamonte, et al.

The sentence on count 3 as to Bracamonte imposing the concurrent four-year term on his robbery conviction, plus the one-year weapon use enhancement is reversed. The sentence as to Medina imposing concurrent four-year term on his robbery conviction on count 3 is also reversed. The order disposing of the findings on the personal discharge and use of a firearm (§§ 12022.5, subd. (a), 12022.53, subds. (b), (c), and (d)) are reversed. The matter is remanded with directions to the court to impose and stay the four-year term on count 3 as to Bracamonte and Medina; to impose and stay the one-year weapon use enhancement on count 3 as to Bracamonte; to strike the 12022.5 use findings on counts 1 and 3 to Medina; and to impose and stay the enhancement under section 12022.53, subdivision (d), on count 3 as to Medina; and to impose and stay the enhancements under section 12022.53, subdivisions (b) and (c) as to Medina on counts 1 and 3. In all other respects, the judgments are affirmed. The trial court is further directed to prepare amended abstracts of judgment consistent with the views expressed in this opinion.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

DIVISION SIX

B152130 People (Not for Publication)
v.
Reyes

The three-year concurrent sentence imposed for the violation of section 186.22, subdivision (a)(count 2) is ordered stayed pursuant to section 654. The superior court shall prepare an amended abstract of judgment and shall forward a copy to the Department of Corrections. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B158760 People (Not for Publication)
v.
Gracian

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B158519 People (Not for Publication)
v.
Shaw

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

February 27, 2003 (Continued)

DIVISION SIX (Continued)

B156607 People (Not for Publication)
v.
Gonzales

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B161068 People (Not for Publication)
v.
Kessler

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

(Certified for Partial Publication)

B155552 Santa Clarita Organization for Planning the
Environment, et al.
v.
County of Los Angeles
The Newhall Land and Farming Company, et al.

Because the water services portion of the EIR is inadequate, the judgment is reversed. The trial court shall issue a writ of mandate vacating the certification of the EIR, shall retain jurisdiction until the County certifies an EIR complying with CEQA consistent with the views expressed in this opinion, and shall consider such orders it deems appropriate. (See section 21168.9 on trial court's power over EIR.) Costs on appeal are awarded to appellants.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B157361 Donna Gerez (Not for Publication)

v.

16th District Agricultural Assoc. of the State of Calif., etc.

The judgment is affirmed. Respondents shall recover their costs on appeal. Appellant's motions to augment the record by the inclusion of the depositions of Clodfelter and Friedman, are denied.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B155265 People (Not for Publication)

v.

Hodges

We affirm appellant's conviction for the charged offenses. We reverse the true findings on the prior serious felony conviction allegations and remand for retrial. (section 667, subds.(a)(1) & (b)-(i).) Should the district attorney choose not to retry the allegations within 60 days, the court shall resentence the defendant. (section 1382.) The judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B155345 People (Not for Publication)

v.

Novoa

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

February 27, 2003 (Continued)

DIVISION SIX (Continued)

B158974 People (Certified for Publication)
v.
Daniels

The judgment (order) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B156604 People (Not for Publication)
v.
Randolph

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B155741 Glenda Dee
v.
Vintage Petroleum, Inc.

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B158342 Hetherington (Not for Publication)
v.
Independent Taxi Owners Assn.

The appeal from case Nos. BC245706 and BC252015 is dismissed for lack of jurisdiction.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B157423 Isabel Pacific Properties II, LLC
v.
City of Council of the City of Los Angeles
Avalon Bay Communities, Inc., R.P.I.

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

B161117 In re Mehdizadeh
On
Habeas Corpus

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

Court convened at 9:05 a.m.

Present: Rubin, Acting P.J., Boland, J., Gary Hastings, J. (Assigned) and Connie Hon, Deputy Clerk.

B154970 Drum
v.
Bleau, Fox and Associates

Merits:
Argued by Joel Drum for appellant and by Nikki Fong for respondent.
Cause submitted.

Hastings, J. leaves the bench.

Presiding Justice Cooper assumes the bench.

DIVISION EIGHT (Continued)

B155022 Jibilian, et al.
 v.
 City Of Los Angeles;
 Wayne, et al.

Merits:
Argued by Michael Obrand for appellants (Wayne et al.), by Ingrid Causey, Deputy City Attorney for appellant (City of Los Angeles) and by Craig A. Sherman for respondents. Cause submitted.

Court recessed at 10:06 a.m.

Court reconvened at 1:05 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J. and Connie Hon, Deputy Clerk.

B158212 Los Angeles County, D.C.S.
 v.
 Connie A.

Merits:
Argued by John L. Dodd for appellant and by Jacklyn Louie, Deputy County Counsel for respondent. Cause submitted.

B157685 People
 v.
 Kobayashi

Merits:
Argued by Thomas T. Ono for appellant and by Jaime L. Fuster, Deputy Attorney General for respondent. Cause submitted.

B149094 Ramani,
 v.
 Mahboubian-Fard,

Merits:
Argued by Lawrence C. Ecoff for appellant and by Timothy L. Neufeld for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B158021 Nikas
v.
Helms, Jr., et al.

Merits:
Argued by Cristopher Rahtz for appellant and by Josephine M. Chow for respondents. Cause submitted.

B156080 Goodman, et al.
v.
Williams, et al.

Merits:
Argued by Brian Okazaki for appellants and by Daniel Germain for respondent. Cause submitted.

Court recessed at 2:36 p.m.

Court reconvened at 2:40 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J. and Connie Hon, Deputy Clerk.

B156193 The Gillette Company
v.
Superior Court, Los Angeles County
(99 Cent Only Stores and Bargain Wholesale, r.p.i.)

Merits:
Argued by Andre J. Cronthall for petitioner and by Benjamin D. Scheibe for real party in interest. Cause submitted.

Each of the following:

B153740 People v. Contreras and Romero
B157262 People v. Robinson
B158655 DCFS v. Delilah P.
B162782 Ruta S. v. SCLA (DCFS)

Argument waived, cause submitted.

February 27, 2003 (Continued)

DIVISION EIGHT (Continued)

B149643 People v. Alarcon and Lozano

Ordered off calendar.

B152846 Jitner

v.

Amiri et al.

The matter is continued to March 27, 2003, at 9:00 a.m.

B157431 Timmons

v.

Law Offices of Weidmann

The matter is continued to March 27, 2003, at 9:00 a.m.

Court adjourned at 3:29 p.m.